



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARILYN EVET MATHESON,

Appellant,

18-CV-12300 (NSR)

-against-

ORDER

KRISTA PREUSS,

Appellee.

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NELSON S. ROMÁN, United States District Judge:

Appellant Marilyn Evet Matheson, proceeding *pro se*, filed this appeal arising from a bankruptcy proceeding in the United States Bankruptcy Court for the Southern District of New York on December 28, 2018. (ECF No. 1.) Pursuant to Federal Rule of Bankruptcy Procedure 8018, the initial deadline for Appellant to file her opening brief was January 28, 2019. By letter dated March 13, 2019, Appellant sought an extension of her briefing deadline. (ECF No. 4.) On March 21, 2019, the Court granted Appellant a thirty-day extension to prepare the Appendix and perfect her brief. (ECF No. 5.) The Court marked the extension final and cautioned that no further extensions would be granted. (*Id.*) Appellant has failed to file her brief, which is presently more than a year overdue.

On August 24, 2020, the Court issued an Order to Show Cause directing Appellant to show cause by September 24, 2020, why this appeal should not be dismissed pursuant to Fed. R. Bankr. P. 8018(a)(4) due to Appellant's failure to timely file a brief. (ECF No. 7.) A copy of the Order to Show Cause was mailed to Appellant at the address listed on the docket.

Where, as here, "an appellant fails to timely file a brief, a district court may dismiss the appeal upon a motion made or *sua sponte* after notice is provided." *Satti v. Nechadim Corp.*, No. 17-CV-00683 (MKB), 2018 WL 1010206, at *3 (E.D.N.Y. Feb. 16, 2018) (citing Fed. R. Bankr.

P. 8018(a)(4)). The Court has received no other response to its Order to Show Cause.

Accordingly, this appeal is dismissed without prejudice pursuant to Fed. R. Bankr. P. 8018(a)(4). The Clerk of the Court is respectfully directed to mail a copy of this Order to Appellant at the address listed on the docket and to close this case.

Dated: October 6, 2020
White Plains, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge